#### CITY OF SAN BRUNO

# COMMUNITY DEVELOPMENT DEPARTMENT



567 El Camino Real San Bruno, CA 94066 Voice: (650) 616-7074 Fax: (650) 873-6749 http://www.ci.sanbruno.ca.us STAFF

Tambri Heyden, AICP, Community Development Director Mark Sullivan, AICP, Housing and Redevelopment Manager Aaron Aknin, AICP, Planning Manager Beilin Yu, Associate Planner Tony Rozzi, Assistant Planner Lisa Costa Sanders, Contract Planner Pamela Thompson, City Attorney PLANNING COMMISSION

Sujendra Mishra, Chair Rick Biasotti, Vice Chair Kevin Chase Mary Lou Johnson Bob Marshall, Jr. Perry Petersen Joe Sammut

PLANNING COMMISSION STAFF REPORT AGENDA ITEM NO. E3 April 18, 2006

# **PROJECT LOCATION**

1. Address: 2820 Berkshire Drive

2. Assessor's Parcel No: 017-332-280

3. Zoning District: R-1 (Single Family Residential District)

4. General Plan Classification: Low Density Residential

#### **EXHIBITS**

A: Site Location

B: Site Plan, Floor Plans and Elevations

C: Email from adjacent neighbor at 2800 Berkshire Drive

#### REQUEST

Request for a Use Permit to allow the construction of an addition which exceeds the 44% lot coverage guideline per Section 12.200.030.B.3 of the San Bruno Zoning Ordinance. Joe Albero (Applicant/Owner). **UP-06-03** 

#### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** Use Permit 06-03 based on Findings of Fact (1-6) and Conditions of Approval (1-27).

#### **REVIEWING AGENCIES**

Community Development Department Public Works Department

#### **LEGAL NOTICE**

- 1. Notices of Public Hearing mailed to owners of property within 300 feet on April 7, 2006
- 2. Advertisement published in the San Mateo Times, Saturday, April 8, 2006

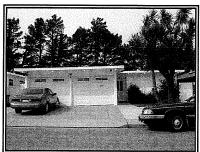
# **ENVIRONMENTAL ASSESSMENT**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansions to Existing Facilities.

#### **EXISTING CONDITIONS**

The subject property is located on Berkshire Drive in the Monte Verde Subdivision. The parcel is located

on the north side of Berkshire Drive (please refer to Exhibit A, Site Location). This is a rectangular-



shaped parcel, with a total lot area of 5,000 square feet. Currently the parcel is developed with a 2,200 square foot one-story structure, including an attached two-car garage.

This home was built in 1961. The neighborhood that surrounds the subject property contains a consistent type of residential architecture, consisting of stucco finish, given that the area was developed at roughly the same time.

# **SURROUNDING LAND USES**

North: Merion Drive - R-1 Zone, single-family residences South: Chabot Drive - R-1 Zone, single-family residences East: Fleetwood Drive - R-1 Zone, single-family residences West: Oakmont Drive - R-1 Zone, single-family residences

# PROJECT DESCRIPTION

The applicant proposes to construct a 226 square foot first story addition to the front of the existing residence. The proposed addition will accommodate an office and a bathroom. As part of the project, the applicant is also proposing to relocate the front door, closer to the street.

Site		Zoning Existing		Proposed
Conditions		Requirements	Conditions	Conditions
Land Use		R-1, Single Family Res.	R-1, Single Family Res.	Same
Lot Area M	in.	Min. 5,000	5,000	Same
Lot Coverage		Max. 2,200	2,200	2,426
Lot Coverage %		44%	44%	49%
Gross Floor Area		Max. 2,750	Max. 2,750 2,200	
Floor Area Ratio		0.55	0.44	0.49
	Front	Min. 15'	20'	16'-8"
Building	Rear	Min. 10'	17'-6"	17'-6"
Setbacks	East Side	Min. 5'	5'	5'
	West Side	Min. 5' 5'		5'
Building Height		Max. 28'	15'-8"	15'-8"
Covered Parking		2 covered spaces	2 covered spaces	2 covered spaces

# **ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee (ARC) reviewed the project at its March 16, 2006 meeting, and forwarded the project to the Planning Commission with a favorable recommendation and the following comments:

- Bring color and material samples to Planning Department prior to PC meeting.
- · Match existing materials with new addition.
- Set front door back.
- Match existing roof pitch on elevation plan.
- Replace the vegetation that will be removed as part of the addition.

Commissioners Biasotti, Chase and Mishra were present for this item.

Since the Architectural Review Committee meeting, the applicant has submitted revised plans to note that the finished material on the addition will match the existing residence, set the front door farther away from the street to break up the front elevation, included the roof pitch on the plans, and noted new landscaping on the site plan. Staff finds that these revisions address the Architectural Review Committee's comments.

# **ADDITIONAL INFORMATION**

- Accessory Structures: This property does not contain any detached structures.
- Code Enforcement: This property has no pending code enforcement cases on file.
- Easements: Subdivision maps on file in the Public Work Department indicate that there is a 10' wide public utility easement along the rear property line.
- Heritage Trees: There are no heritage trees onsite that will be affected by this proposal.
- Previous additions or alterations: None.

# PROJECT ANALYSIS

This proposal is before the Planning Commission to obtain approval for a Use Permit to allow the construction of an addition which proposes to exceed the 44% lot coverage guideline. The applicant is requesting the construction of a 226 square foot addition to an existing 2,200 square foot structure, resulting in 49% lot coverage.

Pursuant to the City's Municipal Code, the Planning Commission shall grant a use permit only if it makes a finding that the establishment, maintenance or operation of the use applied for meet the following criteria: (required finding in **bold** followed by staff's analysis)

1. Will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.

The addition is recommended with the condition that the applicant obtain a building permit prior to construction and the addition will be constructed according to the Uniform Building Code. Therefore, it will not be detrimental to the health, safety and general welfare of the persons residing in the neighborhood.

2. Will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city.

The applicant is proposing to finish the addition with the same materials as the existing residence, such

as stucco and finish the proposed roof with asphalt shingle roof material, which are compatible materials with the immediate neighborhood. This will blend the addition with the existing residence and integrate the proposed structure with the other homes in the immediate neighborhood and not detract from the established character of the neighborhood. Therefore, it will not be detrimental to improvements in the neighborhood or to the general welfare of the city.

# 3. Will not be inconsistent with the general plan.

The project will not be inconsistent with the general plan, since the general plan designation for the subject property is single family residential, and the proposed addition will be to a single family residential structure.

According to Section 12.200.070 of the City's Municipal Code, all structures requiring a use permit pursuant to the provisions of Chapter 12.200 shall first be reviewed by the Architectural Review Committee. The Architectural Review Committee shall issue an architectural review permit provided the following additional findings are made: (required finding in **bold** followed by staff's analysis)

4. That the proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.

The proposed structure will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood since the addition will comply with the minimum setback requirements, thereby maintaining sufficient distance between structures. Additionally, the addition is a single story addition, thereby not creating significant shadow on the adjacent property.

5. That the general appearance of the proposed building, structure or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly or harmonious development of the City, and will not impair the desirability of investment or occupation in the neighborhood.

Staff finds that the character of the new structure will be consistent with the scale and design of the other homes in the immediate neighborhood since the proposed structure will remain a single story structure and other homes in the immediate neighborhood contain a flat front façade parallel to the street, similar to the proposed design.

Overall, staff finds that the construction of the addition will benefit the City and the surrounding neighborhood through investment in the property. The proposed residence will be an improvement to the subject property and the upgrades to the property should have a beneficial impact on surrounding property values. Based on the above stated reasons, and the findings listed in the staff report, staff supports this request.

#### **PUBLIC COMMENTS**

During the public comment period, the City received one letter of concern from an immediate neighbor. The e-mail from Augusty Carneiro, property owner of 2800 Berkshire Drive, is attached to the staff report.

In his e-mail, Mr. Carneiro expresses concerns about drainage in the rear yard of the subject property running off to his property and the proposed addition blocking his view. Mr. Carneiro also expressed concerns that the structure is currently being used as a care facility. Staff explained to Mr. Carneiro that based on staff's analysis of the project, the addition will maintain the same scale as the other homes in the immediate neighborhood, as discussed above. Also, the city does not have a view protection ordinance which would preclude the construction of an addition due to view impacts.

In regards to the drainage in the rear yard, staff is recommending a condition that the applicant submit a drainage plan for Building Division review to ensure that the drainage is not running off onto neighboring properties. Staff also explained to Mr. Carneiro that the City cannot regulate care facilities of up to 6 residents, since state law pre-empts local ordinance.

# FINDINGS FOR APPROVAL

- 1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
- 2. The proposed addition will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use since the applicant will be required to obtain a building permit prior to construction which will ensure that the addition is safely constructed.
- 3. The proposed addition will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city since the applicant will utilize materials found in the immediate neighborhood. Therefore, it will be integrated into the existing neighborhood.
- 4. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design, scale and materials will match the materials found in the immediate neighborhood and the proportions of the house are similar to other houses in the neighborhood.
- 5. Because the proposed addition meets all minimum setback requirements per the San Bruno Zoning Ordinance, the proposal will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
- 6. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for single-family residential purposes.

# **CONDITIONS FOR APPROVAL**

# Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-03 shall not be valid for any purpose. Use Permit 06-03 shall expire one (1) year from the date of

Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

- 2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
- 3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on April 18, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
- 4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
- 5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
- 6. The structure shall be used only as a small care facility (6 patients or less) or as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit.
- 7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
- 8. Prior to the Final Inspection, the applicant shall install new vegetation between the addition and the street to replace the vegetation that was removed as part of the addition.
- 9. Restroom in office must meet Chapter 11B requirements and be 100% ADA accessible. Show revision on the Building Division sets of plans.
- 10. The applicant must submit a drainage plan with the Building Division set of plans to ensure proper drainage in the rear yard. Prior to the final of the building permit, the applicant shall implement any measures to mitigate drainage impact onto the adjacent public and private property.

# Department of Public Works - (650) 616-7065

- 11. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010.
- 12. No fence, retaining wall, or other permanent structure to be placed within 3'-6" from back of sidewalk. S.B.M.C. 8.08.010.
- 13. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.

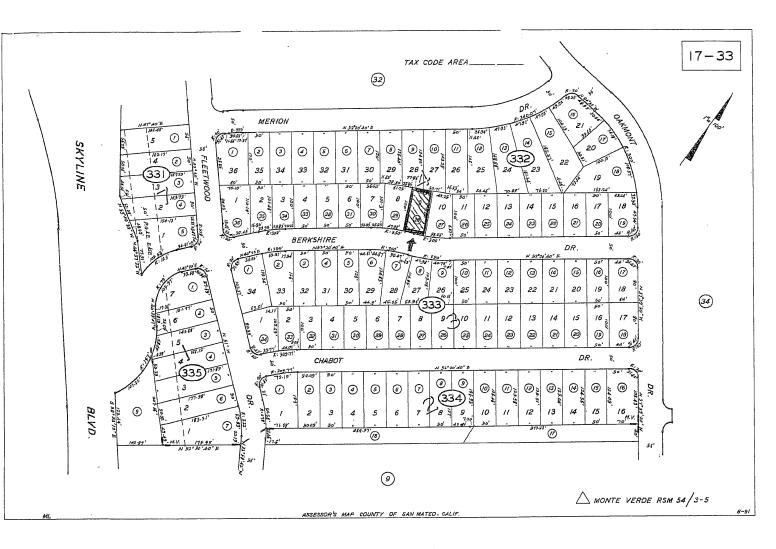
- 14. Paint address number on face of curb near driveway approach. Black lettering on white background.
- 15. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
- 16. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
- 17. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter, if changed. S.B.M.C. 10.14.020/080/110
- 18. Show 10' Public Utility Easement on permit plans.
- 19. Do not dispose of soil and construction debris within Public Utility Easement.

#### Fire Department – (650) 616-7096

- 20. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
- 21. Verify horn and strobe with pull station.
- 22. Provide minimum 2A 10 BC fire extinguisher.
- 23. Verify all exits have minimum 36" wide pathway with less than ½" change in grade (use ramp if needed) and exit to public way.
- 24. Provide spark arrestor for chimney.
- 25. Provide a horn and strobe water flow alarm to be rated for exterior use and have a time delay of 45 to 60 seconds. To be visible from the street. Include with electrical permit.
- 26. Obtain fire sprinkler permit for additional work. Verify sprinkler coverage in attic.
- 27. Provide single action lever hardware for all doors. No secondary locking devices such as deadbolts are permitted.

Date of Preparation: April 4, 2006

Prepared by: Beilin Yu, Associate Planner



2820 Berkshire Drive 017-332-280 UP-06-03

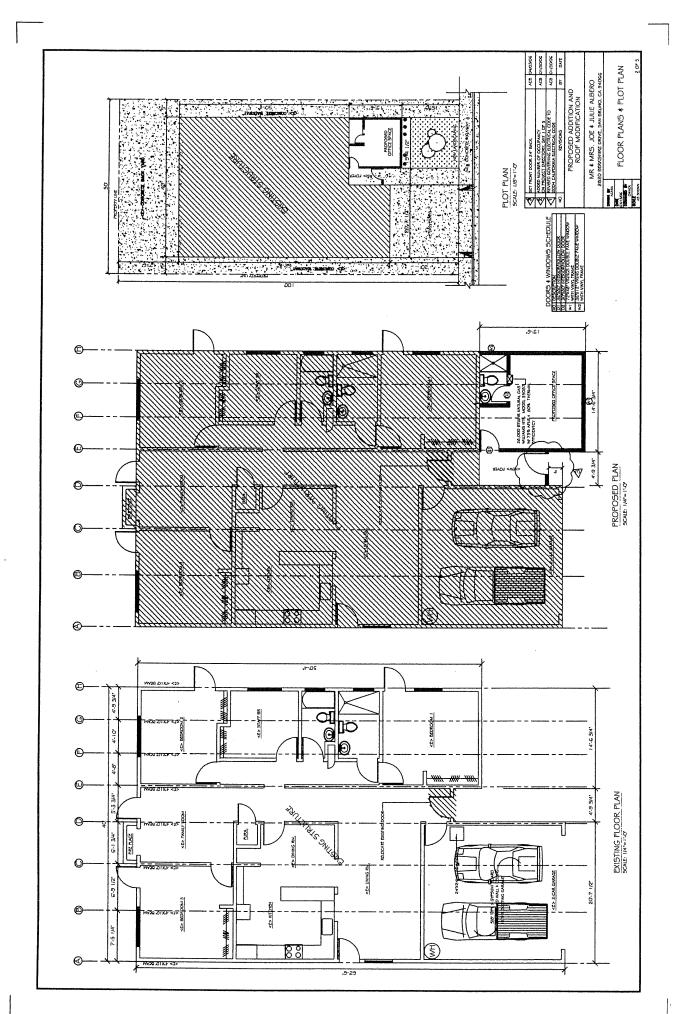
Exhibit A: Site Location

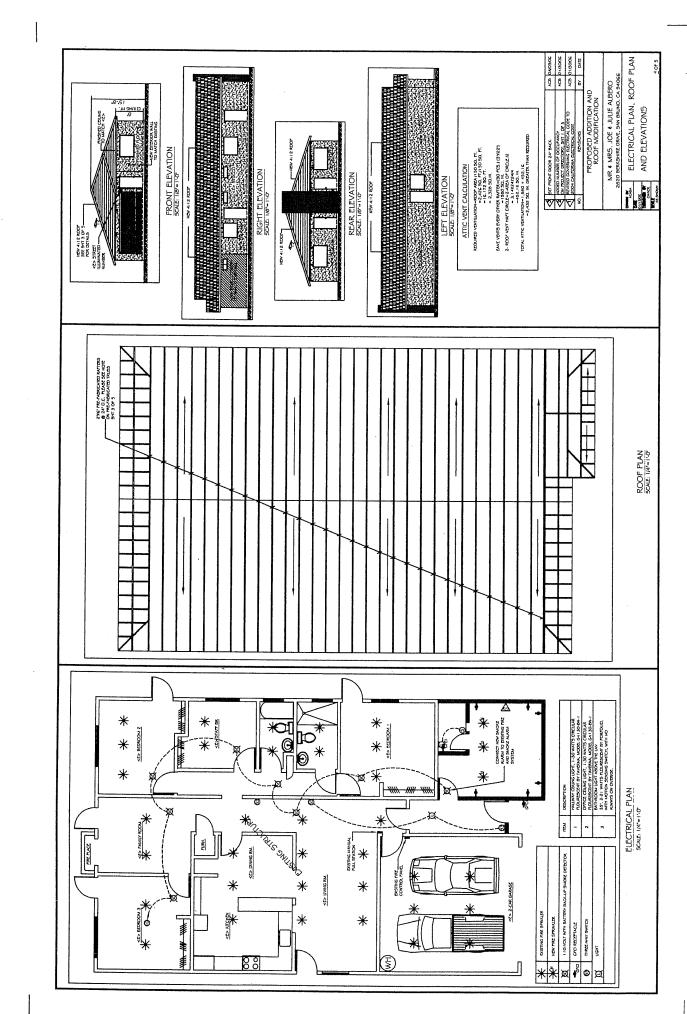
# JOE ≰ JULIE ALBERO 2820 BERKSHIRE DR., SAN BRUNO, CA 94066

# PROPOSED ROOF MODIFICATION & ADDITION

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Exhibit B: Site Plan, Floor Plans and Elevations





#### Beilin Yu

From: Augustjac@cs.com

**Sent:** Monday, April 03, 2006 1:55 PM

To: Beilin Yu

Subject: Proposed Addition at 2820 Berkshire drive

Dear Mr Yu My name is August Carmeiro I live at 2800 Berkshire drive. Have lived there since 1992. I am not happy at all regarding the proposed addition as it will bloick my view. Further more Mr Joe Albero had the back entrance raised higher I presume for wheel chair purposed, Howeve whenever they use their water hose the excess water comes down to my back entrance. I have spoken to him and he said he would correct the problem. By adding a two by four pole the water just seeps under into my yard. Needless to say I am not happy with the situatkon. I tried calling you on the phone so we can discuss this existing and pending problem. Please call me at your convenience 650 8737379. thank you Augusty Carneiro

#### CITY OF SAN BRUNO

#### COMMUNITY DEVELOPMENT DEPARTMENT



567 El Camino Real San Bruno, CA 94066 Voice: (650) 616-7074 Fax: (650) 873-6749 http://www.ci.sanbruno.ca.us **STAFF** 

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# PLANNING COMMISSION STAFF REPORT AGENDA ITEM NO. E4 April 18, 2006

#### **PROJECT LOCATION**

1. Address: 837 Fifth Avenue

- 2. Assessor's Parcel No: 020-164-080
- 3. Zoning District: R-1 (Single Family Residential District)
- 4. General Plan Classification: Low Density Residential
- 5. Property is located in the San Bruno Redevelopment Area

#### **EXHIBITS**

A: Site Location

**B:** Site Plan, Floor Plans, and Elevations

#### REQUEST

Request for a Minor Modification to allow the construction of an addition which proposes to encroach 1' into the required 5'-0" side yard setback per Sections 12.120.010.B of the San Bruno Zoning Ordinance. – Kamal Singh (Applicant), Anil Kumar (Owner). **MM-06-03** 

#### RECOMMENDATION

Staff recommends that the Planning Commission **approve** Minor Modification 06-03 based on Findings for Approval (1-7) and Conditions of Approval (1-16).

#### **REVIEWING AGENCIES**

Community Development Department Public Works Department Fire Department

#### AREA DESCRIPTION

North: Walnut Street - R-1 (Single Family Residential)
South: San Bruno Avenue - C (General Commercial)
East: Sixth Avenue - R-1 (Single Family Residential)
West: Fourth Avenue - R-1- (Single Family Residential)

#### LEGAL NOTICE

1. Notices of Public Hearing mailed to owners of property within 300 feet on April 11, 2006.

837 Fifth Avenue (MM-06-03)
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#### **ENVIRONMENTAL ASSESSMENT**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansions to Existing Facilities.

#### PROJECT DESCRIPTION AND ANALYSIS

The applicant proposes to construct a 468 square foot addition to the rear of the existing single-story 1,274 square foot residence. Specifically, the applicant is proposing to construct a new master suite, laundry room and bathroom.

The existing side yard setback is 4'-0" from the north side property line (at the garage side) and 5'-0" at the south side. The subject property is a 50'-0" wide rectangular lot. Since the applicant is proposing to construct the addition straight back from the existing residence, the proposed addition will encroach into the required north side yard setback. Pursuant to the city's zoning code, the minimum required side yard setback is 5'-0" unless a Minor Modification can be approved to allow a setback reduction of not more than two (2) feet of the side yard setback.

The Minor Modification shall only be approved if the general appearance of the proposed building or structure; or modification, thereof, is in keeping with the character of the neighborhood and will not be detrimental to adjacent real property. The applicant is proposing to construct the addition to the rear of the existing residence where it will not be visible from the street. Therefore, staff finds that the granting of the minor modification will not alter the general appearance of the residence and it will be in keeping with the character of the neighborhood.

The addition is designed with a gable roof parallel to the neighbor adjacent to the right (north). The roof is to be at the same height as the existing structure with only two small additional windows on the right side elevation. The proposed structure will remain a single story, therefore not creating significant shadow on the adjacent property. These architectural design considerations reduce the potential impact of the addition to the adjacent neighbor and provide for the maximum privacy and enjoyment of their property. As such, staff determined that the reduced setback will not be detrimental to the adjacent property.

Based on the discussion above, staff supports the approval of the minor modification to allow the 4'-0" side yard setback in lieu of the 5'-0" side yard setback based on a determination that it will not be detrimental to the adjacent real property, and will be in keeping with the character of the neighborhood.

Site Conditions		Zoning Requirements	Existing Conditions	Proposed Conditions
Land Use		R-1, Low Density Res.	R-1, Low Density Res.	Same
Lot Area		5,000	5,000	Same
Lot Coverage		Max. 2,200	1,274	1,814
Lot Coverage Factor		44%	25%	36%
Gross Floor Area		Max. 2,750	1,274	1,742
Floor Area Ratio		.55	.25	.35
Building Setbacks	Front	Min. 15'	18'	18'
	Rear	Min. 10'	35'	17'
	North Side	Min. 5'	4'	4'
	South Side	Min. 5'	6'	6'
Building Height		Max. 28'	13'	13'
Covered Parking		1 covered space	1 covered space	1 covered space

#### Square Footage Breakdown:

	First Floor	Garage	Total	
Existing	1,054	220	1,274	
Proposed	468	0	468	
Total	1,522	220	1,742	

# **FINDINGS OF FACT**

- 1. The Minor Modification to construct an addition resulting in a 1'-0" encroachment into the required side yard setback at 837 Fifth Avenue will not be injurious or detrimental to properties and improvements in the neighborhood or to the general welfare of the city because the addition will remain a single story, thereby not creating significant shadow on the adjacent property.
- 2. The general appearance of the reduced setback is in keeping with the character of the neighborhood because the reduced setback will be located to the rear of the existing residence and will not alter the appearance of the residence from the street.
- 3. The reduced setback will not be detrimental to the adjacent real property because the proposed addition is designed at the same height as the existing structure with a gable roof parallel to the property to the right, and with only two additional small windows on the right side elevation, therefore reducing the potential impact of the addition to the adjacent neighbor and providing for the maximum privacy and enjoyment of their property
- 4. The construction of the addition to the existing residence is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
- 5. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing private facility.

6. The off-street parking complies with the City's zoning ordinance.

#### **CONDITIONS OF APPROVAL**

#### **Community Development – (650) 616-7074**

- 1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Architectural Review Meeting Minutes" to the Department of Community Development within 30 days of approval. Until such time as the Summary is filed, the Minor Modification Permit (MM-06-03) shall not be valid for any purpose. The Minor Modification permit shall expire one (1) year from the date of approval unless a building permit has been secured prior to the expiration date.
- 2. The proposal to build an addition at 837 Fifth Avenue shall be built according to the plans on file in the Planning Department and approved by the Architectural Review Committee on April 13, 2006, except as required to be modified by these conditions of approval. Any modification to the approved plans shall require prior review and approval by the Community Development Director.
- 3. The applicant shall obtain a City building permit before construction can proceed.
- 4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
- 5. This application is subject to all future conditions of the Building Division at time of Building Division submittal.

# Public Works Department - (650) 616-7065

- 6. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
- 7. No fence, retaining wall, or other permanent structure to be placed within 2'-0" from back of sidewalk, S.B.M.C. 8.08.010
- 8. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
- 9. Paint address number on face of curb near driveway approach. Black lettering on white background.
- 10. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010. Marking shall take place under Building Review.
- 11. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
- 12. Storm water from new and existing roof down-spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an undersidewalk

837 Fifth Avenue (MM-06-03)
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curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.

- 13. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter, if change is required. S.B.M.C. 10.14.020/080/110
- 14. City approved backflow required for domestic and irrigation. Include calculations showing existing or new meter size will be sufficient for required flow. Show location of backflow unit(s) on plans. California Code of Regulations Title 17, U.P.C. 603, S.B.M.C. 10.14.110

# Fire Department - (650) 616-7096

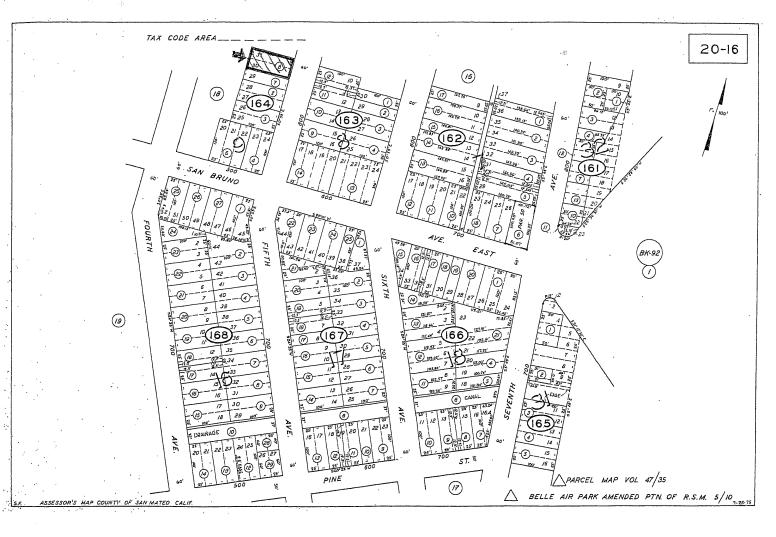
- 15. Provide minimum 4" illuminated address numbers.
- 16. Provide spark arrestor for chimney if present.

Date of Preparation:

April 11, 2006

Prepared by:

Beilin Yu. Associate Planner

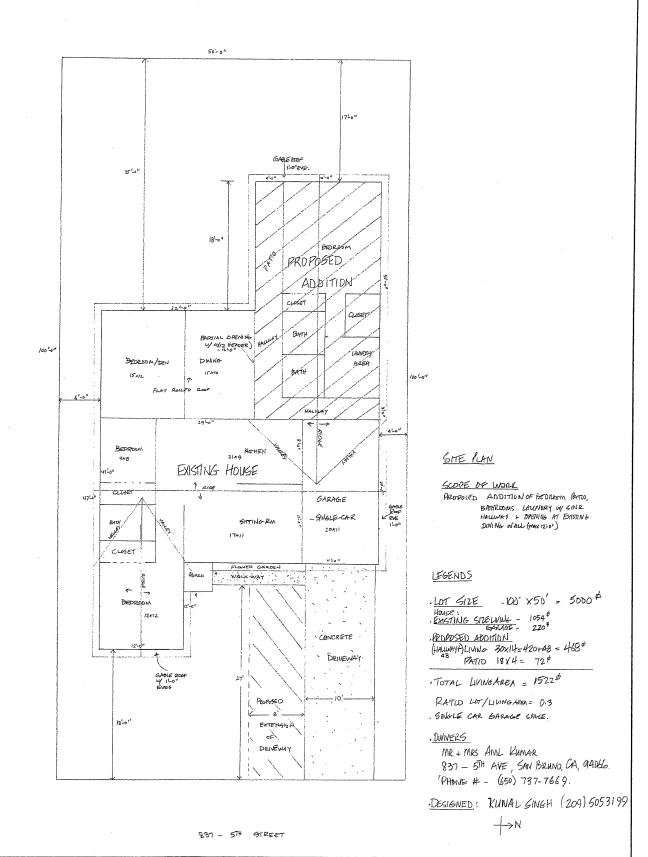


837 Fifth Avenue 020-164-080 MM-06-03

Exhibit A: Site Location

MM0603

# Exhibit B: Site Plan, Floor Plans, and Elevations



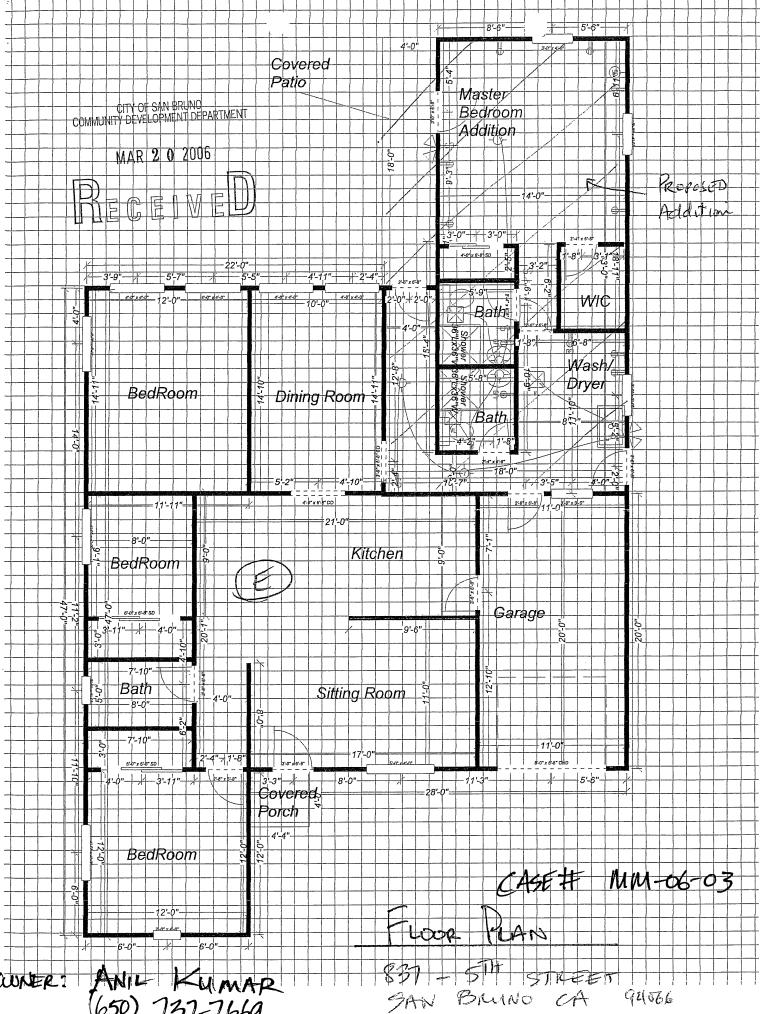
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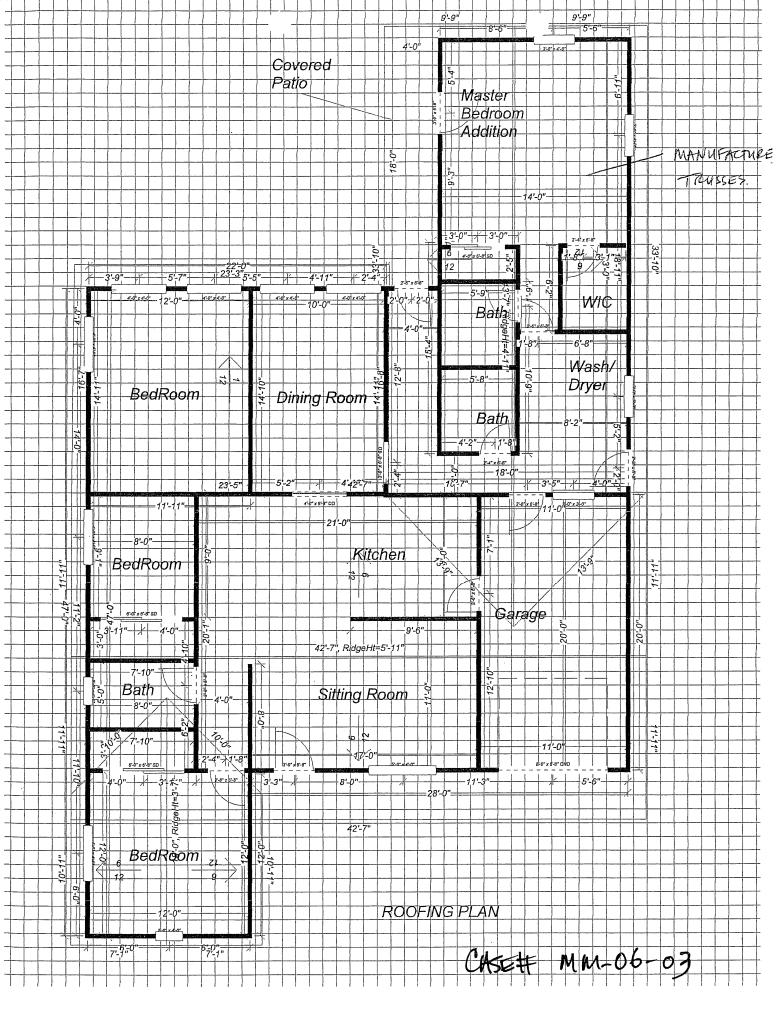
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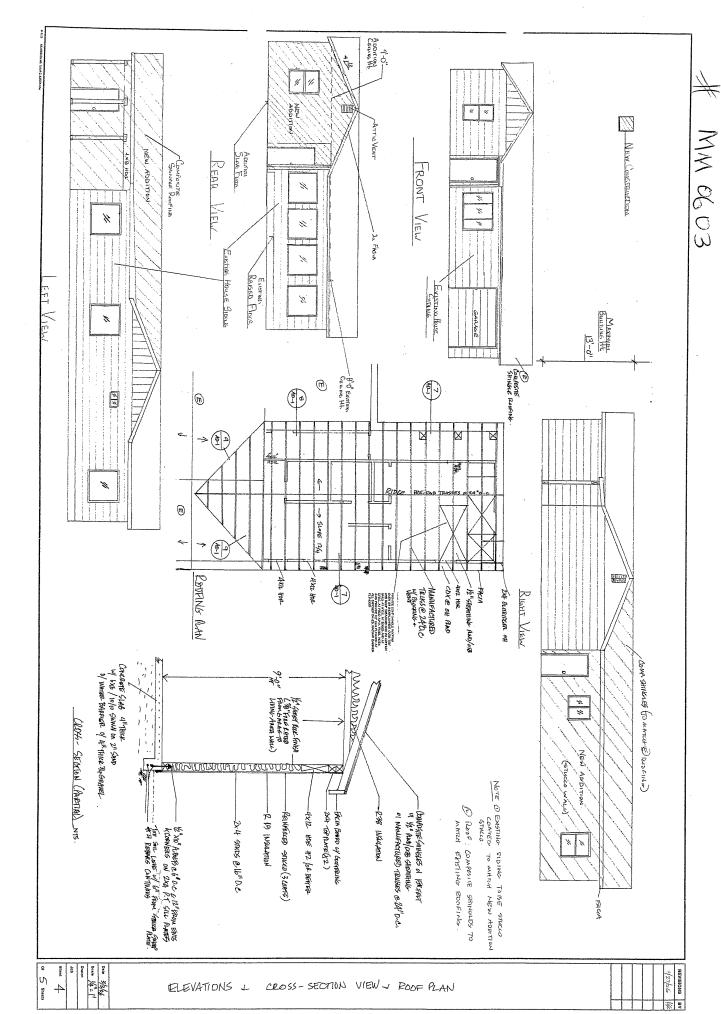
(ADDITION)

837- 597 STREET APN-020-164-080 SAN BRIVNO CA 94066

REVISIONS BY







#### CITY OF SAN BRUNO

#### COMMUNITY DEVELOPMENT DEPARTMENT



567 El Camino Real San Bruno, CA 94066 Voice: (650) 616-7074 Fax: (650) 873-6749 http://www.ci.sanbruno.ca.us STAFF

Tambri Heyden, AICP, Community Development Director Mark Sullivan, AICP, Housing and Redevelopment Manager Aaron Aknin, AICP, Planning Manager Beilin Yu, Associate Planner Tony Rozzi, Assistant Planner Lisa Costa Sanders, Contract Planner Pamela Thompson, City Attorney

#### **PLANNING COMMISSION**

Sujendra Mishra, Chair Rick Biasotti, Vice Chair Kevin Chase Mary Lou Johnson Bob Marshall, Jr. Perry Petersen Joe Sammut

# PLANNING COMMISSION STAFF REPORT AGENDA ITEM NO. E5 April 18, 2006

#### PROJECT LOCATION

- 1. Address: 100 Skycrest Center
- 2. Assessor's Parcel No.: 019-281-010
- 3. Zoning District: P-D (Planned Development)
- 4. General Plan Classification: Medium Density Residential
- 5. The proposed project is within the San Bruno Redevelopment Area

#### **EXHIBITS**

None

# **REQUEST**

Request for a Vesting Tentative Tract Map for the subdivision of one lot to 25 lots with common space, and a Planned Development Permit to allow the development of 24 new homes, per Chapter 12 of the San Bruno Municipal Code. Kenmark Real Estate Group, Applicant, Willow Green Associates, Owner. **PDP-06-01, TM-06-01** 

#### RECOMMENDATION

Staff recommends that the Planning Commission **continue** Planned Unit Development 06-01 and Tract Map 06-01.

#### REVIEWING AGENCIES

Community Development Department Public Works Department Fire Department

#### **LEGAL NOTICE**

- 1. Notices of Public Hearing mailed to owners of property within 300 feet on April 7, 2006
- 2. Advertisement published in the San Mateo Times, Saturday, April 8, 2006

#### **UPDATE**

Staff is requesting continuance to a future Planning Commission meeting to allow staff and the applicant to address some outstanding issues.

Date of Preparation: April 14, 2006

Prepared by: Beilin Yu, Associate Planner

#### CITY OF SAN BRUNO

#### COMMUNITY DEVELOPMENT DEPARTMENT



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# PLANNING COMMISSION STAFF REPORT AGENDA ITEM NO. E6 April 18, 2006

#### PROJECT LOCATION

- Address: 461 El Camino Real
- Assessor's Parcel No: 020-276-240
- 3. Zoning District: R-1 (Single Family Residential)
- 4. General Plan Classification: Low Density Residential
- 5. Property is within San Bruno Redevelopment Area

# **EXHIBITS**

A: Site Location

B: Site Plan, Floor Plans and Elevations

# REQUEST

Request for a Parking Exception to allow a covered patio to the rear of an existing restaurant per Section 12.100.010.A of the San Bruno Zoning Ordinance. Isaac Mejia (Applicant), Anstell Ricossa (Owner) **PE-06-02** 

# **RECOMMENDATION**

Staff recommends that the Planning Commission **deny Parking Exception 06-02** based on Findings of Fact (1-3).

#### **REVIEWING AGENCIES**

Community Development Department Public Works Department Fire Department

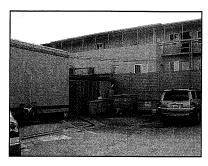
#### **LEGAL NOTICE**

- 1. Notices of Public Hearing mailed to owners of property within 300 feet on March 10, 2006
- 2. Advertisement published in the San Mateo Times, Saturday, March 11, 2006
- 3. Applicant was continued at the March 16, 2006 meeting to the April 18, 2006 Planning Commission meeting.

# **ENVIRONMENTAL ASSESSMENT**

This project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor Expansions to Existing Facilities.

# **EXISTING CONDITIONS**





The subject property is located on El Camino Real between Jenevein Avenue and Crystal Spring Avenue (please refer to Exhibit A, Site Location). It is currently developed with a 3,600 square foot, onestory structure with two tenant spaces and seven parking spaces. The structure is setback 18'-6" from the rear property line.

The subject 1,800 square foot tenant space is currently being used as a restaurant. In addition, the other 1800 sq. ft tenant space is also being used a restaurant (Mr. Pizza Man). Although current code requires a total of 36 spaces for the existing square footage, both restaurants share the 7 on-site parking spaces.

Currently the rear of the structure is enclosed by a fence approximately 6' high with a 2' trellis above the fence. Historically, the area was used for a trash/recycling area and as a rear exit for both tenant spaces, however within recent years the area has been used as an outside seating area without the necessary approval. The use of this area for seating has forced the trash storage area into the parking lot. In fact, overflowing unscreened trash in the parking area is a current code enforcement case. The applicant is currently using the outside seating area without first providing the additional parking spaces or obtaining the required parking exception for seating area expansion.

## SURROUNDING LAND USES

North: Jenevein Avenue, C and C-N Zones – General Commercial

South: Crystal Spring Avenue, C Zone – General Commercial

East: El Camino Real, C Zone – General Commercial

West: Linden Avenue, R-1 Zone - Single Family Residential

# PROJECT DESCRIPTION

The applicant is proposing to construct a 775 square foot patio cover to the rear of the existing building, a 126 square foot storage area, and a new 125 square foot trash enclosure outside of the covered patio area. The applicant is proposing to modify the existing fence as part of the project. The covered patio area will remain unenclosed. The seven existing spaces onsite is significantly less than the 36 currently required and 44 which would be required as a result of this location. Please see the chart below for details.

	Existing Square Footage	Proposed Expansion	Parking Spaces Required (1 per 100 sq. ft.)
Don Picos	1800	775	26
Mr. Pizza Man	1800	N/A	18
Total	3600	775	44

Spaces Deficient: 37

461 El Camino Real (PE-06-02)
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The submitted plans indicate that the proposed patio cover will extend to the rear property line. According to the City's Zoning Ordinance, a 10' rear setback is required for properties abutting residential districts. The subject property is adjacent to an apartment building located in a R-1 Zone, therefore a 10' setback applies for this property. However, Section 12.84.170.B of the City's Zoning Ordinance allows open porches to project 6'-0" into any required rear yard, therefore, the minimum setback requirement for the proposed open patio cover is 4'-0". Therefore, any future patio cover built in this area would have to be at least 4' away from the rear property line.

The new trash enclosure is proposed to be approximately 125 square feet in size. It is proposed to be enclosed with a 5'-0" high galvanized steel chain link fence with PVC slats. Currently, the trash bins are located on the parking lot, unenclosed and visible from public view. Although the trash enclosure would be an improvement over the existing (code enforcement) condition, it would be located in the parking lot, taking up space in an already awkward parking arrangement. Staff finds that the trash area should be relocated to the rear of the structure, out of public view and not interfering with the parking conditions onsite.

#### **PROJECT ANALYSIS**

A Parking Exception application is required since the construction of the covered patio, which can be used as seating area, results in the need for eight (8) additional off-street parking spaces. Since these additional parking spaces cannot be provided, a parking exception is required per Section 12.100.120 of the San Bruno Zoning Ordinance. The City's Zoning Ordinance requires one parking space for each 100 square feet of gross floor area, therefore, the additional 785 square feet of seating area will require an additional eight parking spaces to be provided on-site (fractional spaces are rounded up).

In order to grant a parking exception the following findings must be made:

- 1. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property;
- That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

Staff finds that the findings for a parking exception cannot be made for the following reasons:

**Parking Conditions:** The number of parking spaces on-site is already significantly short of the number required by code. In fact, the 7 spaces on-site represent only 19% of 36 spaces currently required by code. If expanded as proposed, the applicant would only be providing 16% of the required spaces Therefore, a finding cannot be made that the applicant is nearly in compliance with the code. Staff has visited the site on several occasions and the parking situation reflects the shortage. Often there are no available on-site nor are there any on-street spaces directly in front of the business, and customers and employees must therefore park in nearby commercial lots or in residential areas.

The denial of the parking exception will not place an undue hardship on the business as the applicant has a 1,600 square foot building which has functioned as a restaurant for a number of years. Furthermore, it was only recently that the rear area has been used as seating area, a change that was

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made without first obtaining the necessary approvals.

**Trash Enclosure:** The trash and recycling for this property has been an ongoing concern since the rear area was illegally converted into the seating area. Although enclosing the trash and recycling with a fence would improve the situation, it will still be located in a small parking lot. Staff recommends that the applicant move the trash enclosure to its original, approved location, to the rear of the restaurants. Since the rear area offers an ample area to store trash, the denial of this application would not be placing an undue hardship on the applicant.

#### **FINDINGS FOR DENIAL**

- The denial of this application would not put an undue hardship on the applicant as the tenant space
  can still function as a restaurant. In fact, the applicant has approximately 1,600 square feet of
  tenant space which has historically functioned as a restaurant. Therefore, the denial of this patio
  expansion application would not preclude the applicant from utilizing his tenant space for restaurant
  activities.
- 2. The denial of this application would not put an undue hardship on the applicant as the trash enclosure area could be relocated to the rear of the restaurant. Approving the trash enclosure in the proposed location would result in further parking difficulties in an existing, substandard parking lot. There is convenient and ample room within this rear area for trash and recycling receptacles. Therefore, the denial of this application would not preclude the applicant from successfully managing the trash and recycling material generated from this restaurant use.
- 3. The seven (7) spaces on-site represent only 19% of 36 spaces currently required by code. If expanded as proposed, the applicant would be providing only 16% of the required spaces, and would be deficient by 37 spaces. Staff has visited the site on several occasions and the parking situation reflects the shortage. Often there are no available spaces on-site nor are there any onstreet spaces directly in front of the business, and customers and employees must park in nearby commercial lots or in residential areas. Therefore, the finding cannot be made that the applicant is nearly in compliance with the code and the application must be denied. Furthermore, approving an expansion would negatively impact the surrounding businesses by increasing parking demand on a property with a deficient amount of parking on-site.

